

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner rejects claims 21-25 and 35-37 under 35 § U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the Examiner argues that there is insufficient antecedent basis for the limitations “the hole” and “the clip” in claim 21. In response, claim 21 has been amended to recite “a stopper portion larger than the hole is disposed in a tip end of the manipulating wire inserted through the holes in the base ends of the at least two clips.

Accordingly, it is respectfully requested that the rejection of claims 21-25 and 35-37 under 35 U.S.C. § 112, second paragraph, be withdrawn.

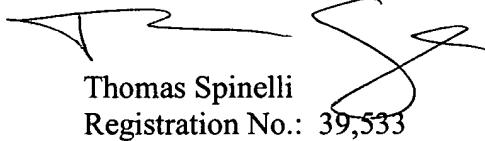
In the Official Action, the Examiner rejects claims 16, 19-21, 24, 25 and 35-41 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 21 and 26 of U.S. Patent No. 7,081,121. In response, in order to advance prosecution, Applicants file herewith a terminal disclaimer disclaiming any portion of the term of a U.S. patent that eventuates from the present application that extends beyond the term of U.S. Patent No. 7,081,121. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 16, 19-21, 24, 25 and 35-41 under the judicially created doctrine of obviousness-type double patenting.

Furthermore, the Examiner rejects claims 17, 18, 22 and 23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8, 21 and 26 of U.S. Patent No. 7,081,121 in view of JP 9-289989 to Matsuno. As discussed

above, Applicants have filed herewith a terminal disclaimer disclaiming any portion of the term of a U.S. patent that eventuates from the present application that extends beyond the term of U.S. Patent No. 7,081,121. Accordingly, the Examiner is respectfully requested to withdraw the rejection of claims 17, 18, 22 and 23 under the judicially created doctrine of obviousness-type double patenting.

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Thomas Spinelli
Registration No.: 39,533

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

TS:cm
Encl. (Terminal Disclaimer as to U.S. Patent No. 7,081,121)